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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Engelhardt et al.

Serial No. 09/302,816

Filed: March 31, 1998

Title: **NOVEL NUCLEIC ACID COPY
PRODUCING PROCESSES**

Group Art Unit: 1634 ✓

Ex'r: Arun Chakrabarti, Ph.D.

527 Madison Avenue, 9th Floor
New York, NY 10022-4304
November 12, 2003

FILED BY EXPRESS MAIL

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. §1.137(b) TO REVIVE
AN UNINTENTIONALLY ABANDONED APPLICATION**

Dear Sirs:

Applicants submit this Petition to the Commissioner under the provisions of 37 C.F.R. §1.137(b) to revive the above-identified application in which taking action was unintentionally delayed. A response to the previously issued February 24, 2003 Office Action was originally due on May 24, 2003. Upon the expected granting of this Petition, the accompanying response in the form of an Amendment Under 37 C.F.R. §1.116 will be considered as having been timely filed.

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Dean L. Engelhardt et al.

Serial No.: 09/302,816

Filed: March 3, 1998

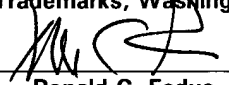
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Abandoned Application – November 12, 2003)

EXPRESS MAIL CERTIFICATE

"Express Mail" Label No. EL635946714US

Deposit Date November 12, 2003

I hereby certify that this paper and the attachments
herein are being deposited with the United States Postal
Service "Express Mail Post Office to Addressee" service
under 37 CFR 1.10 on the date indicated above and is
addressed to the Commissioner of Patents and
Trademarks, Washington DC 20231.



Ronald C. Fedus
Reg. No. 32,567

NOV 12 2003

Date

The above-identified application became unintentionally abandoned after May 24, 2003, which was the date that a response to the February 24, 2003 Office Action was originally due. The Assignee has not yet received a copy of the Notice of Abandonment that may have been issued for this application. Thus, none is attached to this paper.

It is hereby requested that this application be revived because the entire delay in filing the response to the February 24, 2003 Office Action until the filing of this Petition was unintentional. A Terminal Disclaimer To Accompany Petition is attached to this paper as Exhibit 1.¹

As indicated above, a response to the February 24, 2003 Office Action in the form of an Amendment Under 37 C.F.R. §1.116 is being submitted concurrently herewith and is attached as Exhibit 2. In their Amendment (Exhibit 2), Applicants have canceled all rejected claims, thereby maintaining as pending claims in this application only the allowed claims 150-167. It is Applicants' intention to pursue some form of the subject matter of the canceled claims in a further continuation. Because only the allowed claims will be pending after entry of Applicants' Amendment (Exhibit 2), their Amendment *prima facie* places the application in condition for allowance. Therefore, it is believed that their Amendment (Exhibit 2) meets the requirements of a reply within the meaning of 37 C.F.R. §1.113 to the final Office Action of February 24, 2003.²

The fee for filing a Petition to Revive an Unintentionally Abandoned

¹ Should the Petitions Examiner determine that a Terminal Disclaimer is unnecessary in this instance, Applicants respectfully request that the attached Terminal Disclaimer (Exhibit 1) not be entered.

² Accordingly, the reply does not require a Notice of Appeal (and appeal fee), the filing of a continuing application or a request for continued examination.

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Application Under 37 C.F.R. §1.137(b) is \$665.00 for a small entity. Small entity status was previously established in this application and is still applicable. The Patent and Trademark Office is hereby authorized to charge Deposit Account No. 05-1135 for the requisite large entity fee of \$665.00. The Patent and Trademark Office is further authorized hereby to charge Deposit Account No. 05-1135 for any other fees required in connection with this Petition, the attached Amendment (Exhibit 2), or Terminal Disclaimer (Exhibit 1).

A duplicate copy of this Petition but without attached Exhibits 1-2 is also submitted herewith.

Favorable action on this Petition is earnestly solicited.

Respectfully submitted,



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